

### **III. REMARKS**

1. Claims 1, 8, 9, 10, 15 and 17 are amended. Claims 18 and 19 are new.
2. Claims 1, 3-5, 7-10, 12 and 14-15 are not unpatentable under 35 U.S.C. §103(a) over 3GPP in view of Zahariev.

The claims recite that the terminal and multimedia center communicate the “actual multimedia message.” This is not disclosed by the combination of 3GPP and Zahariev because Zahariev is not reading the emails with the pager. The device of Zahariev is a remote alert receiving device for a conventional email system. However, Applicant’s claims are directed to multimedia messaging systems. For example, on page 11, the Examiner refers to Zahariev, Col. 3, line 64 to Col. 4, line 1. However, this section of Zahariev relates to information based on “email”, and not multimedia messages.

The functionality for “multimedia” messaging is defined in 3GPP. See for example page 11 section 5.1, which reads “MMS shall support the use of either E-Mail addresses (RFC 822) or MSISDN. In the case of E-Mail addresses standard internet message routing could be used.” The MSISDN (Mobile Station International ISDN Number) is the standard international telephone number, i.e., the telephone number associated with the user’s terminal.

The claimed invention is directed to solutions in which “multimedia messages” are addressed to terminals and communicated between the terminal and the multimedia center, as recited in claim 1. Contrary to what the Examiner alleges, the claims do not recite features to conventional email and do not cover the part of the multimedia messaging service in which multimedia messages are sent to email addresses.

The “multimedia messages” as recited in the claims do not include email messages, because emails are not addressed to a terminal, but are rather addressed to user email addresses. In other words, email messages are not destined to the address (e.g., a

phone number, MSISDN, or similar) of a terminal as recited in the claims. Email messages are addressed to an email address (e.g., `firstname.lastname@domain.xyz`). Addressing a message to a terminal (such as addressing a multimedia message to a phone number) is not to be confused with email. The destination address of a regular email is not the same as a terminal address.

Furthermore, claim 1 recites a multimedia messaging system. This expression does not include conventional email. The term “multimedia messaging system” will be clearly understood by one of skill in the art to be something other than a conventional “email” message. As demonstrated earlier, with for example the Webobedia™ reference, the “multimedia messaging system” is not the same as the email system.

The Background of the Invention on page 1 of the specification opens with the passage *“multimedia messaging service is a communication service under development in which a terminal of a cellular network can send multimedia messages to another terminal.”* The above passage, furthermore, defines that in *multimedia messaging service...a terminal of a cellular network can send multimedia messages to another terminal.* This is yet another indication of what type of service the multimedia messaging service is meant to be, and again excludes the email systems, since in email systems, messages are not sent between terminals but between email addresses.

Page 1 of the specification states that the *“transmission service of multimedia messages in connection with the WAP system (Wireless Application Protocol) is defined in the standard specifications WAP-206-MmsMessagingService and WAP-209-MMSEncapsulation. In the third-generation mobile communication networks the multimedia messaging service is to be implemented in a similar manner.”*

This passage, and the ones above, present a clear indication that the “multimedia messages” claimed by Applicant are not the same as, and are something other than, the conventional email that is provided by Zahariev.

Thus, it is respectfully submitted that the description and the claims properly limit the term “multimedia messaging” to exclude regular emails.

The “e-mail” of Zahariev is not the functional equivalent of the “multimedia messages” recited by Applicant in the claims. A functional equivalent would require that the claimed limitation and Zahariev “perform substantially the same function in substantially the same way to achieve substantially the same result”. This is not the case here.

Claim 1 recites that “*said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message*”. Zahariev does not teach the claimed first message or a corresponding message and an option to define a selection criterion in that message.

A result achieved by this feature is that instead of sending notifications on all messages addressed to the terminal, only a limited set can be sent to the terminal. Zahariev does not achieve the same result nor does it use the same ways in achieving its result.

First of all, unlike in the claimed invention, Zahariev does not disclose any notifications that would be notifications on messages addressed to a terminal. Instead, Zahariev only discloses notifications on messages addressed to an email address.

Second, Zahariev does not send notifications to the same terminal to which the multimedia terminal is addressed (this feature is recited in the claims). To the contrary, in Zahariev, the email is first delivered to the email address to which it was addressed. Only after that occurs is a notification sent to a terminal. However, the terminal to which the notification is sent does not have much to do with the address to which the email message was delivered. In Zahariev, a notification is sent about a message which was already delivered to the addressee, and even so the notification is not sent to the addressee but to another destination.

In Zahariev, no notification is requested by means of a "first message". First, an email is delivered to the addressee and correctly received by the addressee. A copy is kept in the email server. The "email" is then analysed by the server based on a pre-configured criteria. If the "email" message matches the criteria, an alert (notification) is sent to a pager. The alert may contain an ID with the aid of which the user of the pager can call an operator or call into a voice-response system, identify and request the email, which was already received in his/her normal email address, to be sent to another address/device. In other words, all Zahariev does is manipulate messages which have already been received by the addressee.

It is stated that Col. 3, line 64 through Col. 4, line 14 of Zahariev teaches a selection criterion that would limit information to be sent in response to the first message. However, claim 1 further requires that the selection criterion be such that it would limit information to be sent in response to the first message. Neither this nor any other section of Zahariev discloses or suggests this feature claimed by Applicant since there is no teaching of a first message. Furthermore, there is no need to send any notification to the addressee in Zahariev's solution, since the email message has already been received by the addressee.

Since Zahariev does not present the first message as is recited in Applicant's claims, Zahariev cannot present an option to define a selection criterion in a non-existing first message. Thus, this feature claimed by Applicant is not disclosed or suggested by Zahariev.

Also, e-mail and 3GPP are not related as suggested. On page 1 of the specification, it is noted that before delivering a message, a notification is sent. After that the problem of missing notifications is discussed. Zahariev does not concern this problem at all, since in Zahariev the email message is delivered and properly received by the addressee without sending a notification first. Therefore, there is no need to ask for any notifications, unlike what is claimed by Applicant.

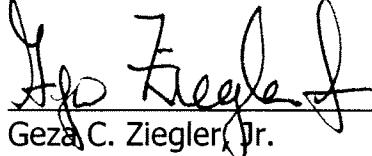
The MMS delivery report (see Section 8.3.5 of 3GPP) is not the same as transmitting a notification message “requesting” multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging centre as is recited by Applicant in the claims. The MMS delivery report disclosed in 3GPP is a “report” that is sent to the sender of the multimedia message indicating the status of the delivery to the recipient. There is no request involved in this report. While the report may include certain information, there is no disclosure in this report of the terminal sending a message to the multimedia messaging centre “requesting” multimedia messages for which a notification message has been sent but for which an acknowledgement has not yet been received in the multimedia messaging centre. 3GPP does not disclose or suggest any “requesting” here as is recited by Applicant in the claims. Perhaps the “sender of the multimedia” could take action based on the report with respect to “rejected” or “expired” messages, but such action is not the same as what is recited by Applicant in the claims, where the “first message” is “requesting” the multimedia centre to transmit a notification message. No such “requesting” is disclosed in the combination of 3GPP and Zahariev.

Thus, it is respectfully submitted that each and every feature recited by Applicant in claims 1, 8, 9, 10, 15 and 17 is not disclosed or suggested by the combination of 3GPP and Zahariev. Claims 2-7, 11-14 and 16 are not unpatentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants’ attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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